

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHELDON G. ADELSON,

Plaintiff,

v.

MOSHE HANANEL,

Defendant.

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Civil Action No.

04-cv-10357-RCL

**MOTION OF HANANEL TO POSTPONE REPLY TO MOTION FOR SUMMARY
JUDGMENT UNTIL DECISION ON FORUM NON CONVENIENS**

Defendant Moshe Hananel (“Hananel”) moves the Court pursuant to Fed. R. Civ. P. 16 to postpone the date by which he must respond to Adelson’s Motion for Summary Judgment until a reasonable time following the Court’s decision on his motion to dismiss for forum non conveniens. As grounds, Hananel says:

1. In January 2005 this Court denied without prejudice Hananel’s previous forum non conveniens motion, allowing its renewal after resolution of the jurisdiction question. Electronic Order dated January 19, 2005; *see* Report and Recommendation on Defendant’s Renewed Motion to Dismiss For Lack Of Personal Jurisdiction (Magistrate Judge Sorokin), Oct. 31, 2005, Dkt # 78 at 2 (“Rept.”). Hananel has filed his renewed Motion to Dismiss, together with his Seventh Affidavit updating the active litigation in Israel concerning the claims between Hananel and Adelson that fully include all aspects of Count 1.

2. Hananel’s Motion for Extension Of Time To Postpone Commencement Of Discovery (Dkt. # 91), and his Motion For Extension of Time (Further) to Answer (Dkt. # 92) seeking the same relief, i.e., postponement until after the motion to dismiss is decided, were filed on Dec. 15, 2005 and Adelson has not opposed either of them.

3. Judge Lindsay entered an electronic Order on Dec. 28, 2005 canceling the scheduling conference set for Dec. 29, stating “[a] new date will be set once the motion to dismiss has been decided, if necessary (emphasis added).” By this Order, the Court has recognized the fairness of avoiding burdens on the parties until its order permitting consideration of forum non conveniens dismissal has been carried out.

4. No scheduling order or merits discovery has been taken in this case, Adelson himself has sought discovery which has not been granted and summary judgment is greatly premature.

WHEREFORE, the Court should order the postponement of the date by which Hananel must respond to Adelson’s Motion for Summary Judgment until a reasonable time following the Court’s decision on Hananel’s renewed Motion to Dismiss on the grounds of forum non conveniens.

Dated: January 11, 2006

MOSHE HANANEL
By His Attorneys,

/s/ James A. G. Hamilton
James A. G. Hamilton (MA Bar # 218760)
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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 11, 2006.

/s/ James A.G. Hamilton

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